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09/470,292	12/22/1999	GLENN D. BEGIS	884.171USA1	5981

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

EXAMINER

WANG, LIANG CHE A

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 12/23/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/470,292

Applicant(s)

BEGIS, GLENN D.

Examiner

Liang-che Alex Wang

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 68-95 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 68-95 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 68-95 have been examined.
2. The Examiner agreed that the office action, paper number 8, was incomplete and a supplementary office action, paper number 9, has been issued on 8/20/2003 based on the interview held on 8/3/2003.

### *Claim Objections*

3. Claim 69, 70 are objected to because of the following informalities:
  - a. Referring to claim 69, line 1, the term "source nodes" should be changed to "source modes."
  - b. Referring to claim 69, line 1, the term "sink nodes" should be changed to "sink modes."

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 68-95 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Referring to claims 68, 82 and 92, each independent claims recites the limitation "multiple source modes **each identifying at least one other mutually different device**

Art Unit: 2155

of the plurality of devices to receive data from the each device **without identifying any of the devices** to provide data to the each device,” and “multiple sink modes **each identifying at least one other device** of the plurality of devices to provide data to the each device **without identifying any of the devices** to receive data from the each device”, where “**identifying at least one other device and without identifying any of the devices**” are contradict to each other and renders the claims vague and indefinite. The examiner views the limitation as “multiple source modes each identifying at least one other mutually different device of the plurality of devices to receive data from the each device,” and “multiple sink modes each identifying at least one other device of the plurality of devices to provide data to the each device” for further examination.

7. All dependent claims are rejected to as having the same deficiencies as the claims they depend from.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 68-70, 78-79, 82-85, 87, 89, 92-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda et al, US Patent Number, hereinafter Beyda.

10. Referring to claim 68 Beyda has taught a data processing system,(see figure 1)

comprising:

- a. a plurality of devices interconnected in a local area network (see figures 1, 3-5, Col 4 lines 14-21) at least of three of the devices (figures 1, 3-5, figure 1 items 14, 16, 18, 20, 22, 24) having
  - i. multiple source modes (see figure 4, each device sends voice data out to the gatekeeper, therefore there are multiple source modes) each identifying at least one other mutually different device of the plurality of devices to receive data from the each device (Col 2 lines 37-40, 55-58, the first terminal is addressed to transmit data to the second terminal, therefore first terminal is identifying the second terminal to receive the data from the first terminal),
  - ii. multiple sink modes (see figure 4, each device receives voice data from the gatekeeper, therefore there are multiple sink modes) each identifying at least one other device of the plurality of devices to provide data to the each device (Col 2 lines 37-40, 55-58, the first terminal is addressed to transmit data to the second terminal, second terminal is inherently set to the sink mode in order to receive the transmitting voice data from first terminal, therefore second terminal is identifying the first terminal to provide the data to the second terminal);
- b. a stream controller (Figure 4, item 10 , Col 4 lines 14-18 ) to select among the multiple source modes and the multiple modes for any of the at least three devices

(Col 4 lines 14-18, gatekeeper provides controlling access to multiple communication devices on the LAN), so to establish a data stream connection among certain of the plurality of devices as identified by the selected source and sink modes (Col 2 lines 37-40, 55-58, also see figure 4)

Beyda has not explicitly taught the limitation of selecting the multiple source modes and the multiple sink modes independently of each other.

However, it is well known in the art that voice data could be transmitted among devices by using a bi-directional link as taught by Beyda, or using a transmitting data link and a receiving data link to transmit the voice data.

Having a bi-directional link as taught by Beyda would provide a cheaper, smaller, and slower communication among the devices. Having two transmitting data links would allow a more expensive but faster communications.

A person with ordinary skill in the art would have designed how the devices communicate in one of the two ways.

It would be obvious for a person with ordinary skill in the art at the time the invention was made to make the communication links between two devices to be a transmitting link and receiving link, because it is well know in the art as a designer's choice to provide a faster speed of communication among devices. Having the receiving and transmitting links would allow selecting the multiple source modes and the multiple sink modes independently of each other.

11. Referring to claim 69, Beyda as modified has further taught where at least one of the source modes for at least one of the at least three devices identifies multiple ones of the

plurality of devices to receive streaming data from the each device (figure 5, devices 18 and 20 both receives a misted first/third voice data 52.)

12. Referring to claim 70, Beyda as modified has further taught where at least one of the sink modes for the at least three device identifies multiple ones of the plurality of devices to provide data to the each device (figure 5, devices 14 and 16 provides the first voice data 42 to gatekeeper 10 to provide mixed first voice data to devices 18-24.)
13. Referring to claim 78, Beyda as modified has further taught where the streaming controller is distributed among multiple ones of the devices (see Figures 1, 3-5.)
14. Referring to claim 79, Beyda as modified has further taught where the streaming controller is implemented as a discrete unit (Figure 1, item 10.)
15. Referring to claims 82-84, claims 82-84, encompass the same scope of the invention as that of the claims 68-70. Therefore, the claims 82-84 are rejected for the same reason as the claims 68-70.
16. Referring to claim 85, Beyda as modified has further taught where the steaming data is a voice data (see figure 5, voice data.)
17. Referring to claim 87, Beyda has further taught where at least one of the devices in the at least three devices performs a processing function upon the streaming data (Col 2 lines 28-30, terminal could be either a telephone or a computing device, and see figure 4 the voice data is transmitting in and out from the terminals, which is being processed by each terminal in order to send out and receive in the voice data.)
18. Referring to claim 89, Beyda as modified has further taught communicating streaming data among the certain devices (see figures 2-5.)

19. Referring to claims 92-95, claims 92-95, encompass the same scope of the invention as that of the claims 82-84, and 87. Therefore, the claims 92-95 are rejected for the same reason as the claims 82-84, and 87.

20. Claims 71-77, 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda in views of Perrone, US Patent Number 6,418,199 hereinafter Perrone.

21. Referring to claim 71, Beyda as modified has taught an invention as described in claim 68, Beyda has further taught where the at least three devices includes a telephone, a computer to perform a data process function upon streaming data (Col 2 lines 28-30.)

Beyda has not taught where at least three devices includes a gateway to an external network.

However, Perrone has taught the voice communication could be provided and received to and from an external network (see figure 1A).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Beyda such that to include a gateway so the voice communication could be provided and received to and from an external network through the gateway.

A person with ordinary skill in the art would have been motivated to make the modification to Beyda because having the voice data to be transmitted to or received from an external network would allow Beyda's invention to be implemented to a wider ranges of locations, so not only people within the LAN of Beyda could be benefited by Beyda's invention but people outside of the LAN would also be benefited..



Art Unit: 2155

22. Referring to claim 72-77, since Beyda as modified has taught an invention where at least three devices includes a telephone, a computer and a gateway, and has also taught there are multiple sink and source modes for the at least three devices, therefore it would have been obvious to have all the different combination of the source and sink modes setup for the telephone, computer and gateway as described in claim 72-77.
23. Referring to claim 86, claim 86, encompass the same scope of the invention as that of the claim 71. Therefore, the claims 86 are rejected for the same reason as the claim 71.
24. Claims 80, 81, 90, 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda in views of Klug, US Patent Number 5,799,320, herein after Klug.
25. Referring to claim 80. Beyda has taught an invention as described in Claim 68, which has a plurality of devices and at least one mode for each of the at least one device to be used in the connection.

Beyda has not taught where the controller is adapted to lock the mode of at least one device of the plurality of the device.

Klug has taught a locking mechanism to lock out PC from accessing data when there is a large number of PC accessing data and caused the system to be slow. (Col 11 lines 10-16)

However, a person with ordinary skill in the art would have realized that when there are plurality of devices are running at the same time, the system may be slow down as Klug has taught in Col 11 lines 11-12. Locking a mode would speed up the process of the particular mode.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time when the invention was made, to include a locking mechanism to lock the mode of at least one device during the connection as taught by Klug to prevent slow down of the system, which caused by large number of devices have access to the file at the same time.

26. Referring to claim 81. Beyda has taught an invention as described in claim 68, which has a plurality of devices and at least one mode for each of the at least one device to be used in the connection.

Beyda has not taught to use a semaphore to prevent multiple devices from simultaneously changing modes.

Klug has taught the use of a semaphore. (Col 2, line 66)

However, a person with ordinary skill in computer networking art would have realized that, the using of a semaphore to prevent simultaneous change of state during the computer process is well known in the art. Without a semaphore, the mode could be changed any time during the process. System would become chaos and system process would not be functioned well.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to include a semaphore to prevent multiple devices from simultaneously changing modes as taught by Klug to facilitate process of the system.

27. Referring to claims 90-91, claims 90-91, encompass the same scope of the invention as that of the claims 80-81. Therefore, the claims 90-91 are rejected for the same reason as the claims 80-81.

Art Unit: 2155

28. Claims 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda in views of Cohn et al., US Patent Number 6,411,684 hereinafter Cohn.

29. Referring to claim 88, Beyda has further taught where the function is one or more of recognize the voice data (Col 6 lines 2-4). Beyda has not taught the function of converting voice signal to or from text, and translating text to different language, and executing voice commands.

However, Cohn has taught a voice network having functions of converting voice signal to or from text (Col 23 lines 9-22), and translating text to different language and executes voice commands (Col 5 lines 18-35.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Beyda such that the computer converts the voice data to or from text and translating text to different language.

A person with ordinary skill in the art would have been motivated to make the modification to Beyda because having voice text converted into text and display on the screen would allow deaf users to “see” the speech, and also allow users with different language background can understand each other from the voice network.

### ***Response to Arguments***

30. Applicant's arguments filed 10/31/2003, paper number 11, have been fully considered but they are not persuasive.

31. In that remarks, applicant's argues in substance:

Art Unit: 2155

- a. That: "It is this capability that the system taught in Beyda fails to teach or suggest. ... because Beyda links only telephone device, such a configuration, even if possible, would require the telephone T1 speaks only to telephone T2, but T1 hears only what is said at telephone T3." (Page 9, lines 17-21.)

This is not found persuasive because Beyda does not only links to telephone devices. Beyda's devices could be telephones or computers (Col 2 lines 28-30), and Beyda also teaches that the terminals do send and receive text messages among each other (Col 4 lines 31-48.) therefore Beyda does not limited his invention in telephones transmitting voice data as applicant argued.

- b. That: "Another purpose of the present invention is to intermix streaming data in different formats, such as digitized voice and other data in the same configuration. Beyda does not suggest this possibility, or even a desire for it." (Page 9 lines 27-30.)

This is not found persuasive because Beyda has taught the terminals could be either a telephone or a computer (Col 2 lines 28-30), and the communication among the terminals (figure 2) could be in the format of voice data or text message (Col 4 lines 31-48) therefore Beyda does teach the possibility of intermixing stream data in different formats.

- c. That: "Moreover, the source modes identify the recipient devices "without identifying any of the devices to provide data," a capability not suggested in Beyda." (page 10 bottom to page 11 line 1.)

This argument is moot in views of the rejection under 35 U.S.C. 112, second paragraph.

- d. That: "Claims 87 and 88 recite "perform a data processing operation upon the streaming data," whereas Beyda manipulates only data ancillary to the streaming data and does not teach the particular operations of claim 88." (Page 11 lines 10-12.)

This is not found persuasive because it is not Beyda itself teaches the limitation of claim 88. it is the combination of Beyda in views of Cohn that teaches the operation of claim 88. (see rejection to claim 88.)

### ***Conclusion***

32. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
33. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

Art Unit: 2155

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (703) 305-8159. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
35. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on (703)308-6662. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications.
36. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

Liang-che Alex Wang *lw*  
December 16<sup>th</sup>, 2003

*Hosain Alam*  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER